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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,512	12/20/1999	GREGG D. WEISSMAN	SPY-016	2488

7590

09/21/2004

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EXAMINER
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CHEN, SHIN HON

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/467,512

Applicant(s)

WEISSMAN ET AL.

Examiner

Shin-Hon Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claim 1 has been examined.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goshey et al. U.S. Pat. No. 6205527 (hereinafter Goshey) in view of Glasser et al. U.S. Pat No. 5651109 (hereinafter Glasser) and further in view of Pereira U.S. Pat. No. 5809230 (hereinafter Pereira).

4. As per claim 1, 6, and 7, Goshey teaches a method for creating a protected region of a data storage device of a computational device (Goshey: column 2 lines 46-65: a method of protecting data... preparing a storage media of the peripheral storage device to be a protection enabled media), operating system data representing the operating system of the computational device being stored on the data storage device (Goshey: column 2 lines 50-62: a set of data stored in a hard drive of the computer system... include operating system files and a set of boot files), the method comprising the steps of maintaining a record of operating system data accessed by the computational device after a reset of the computational device and until predetermined functionality of the operating system becomes available (Goshey: column 2 lines 50-51: selecting a backup set of data...include boot files; the boot file or boot record is a record of

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operating system data accessed by a computer before the operating system becomes available which is well known in the art); and storing a copy of the operating system data recorded during the step of maintaining in the unprotected region of the data storage device (Goshey: column 2 line 51: a set of data stored in a hard drive; it means that the boot file and operating system files are stored in the hard drive before it is being copied to the protection enabled media); and storing a copy of any data stored on the data storage device in the protected region of data storage device (Goshey: column 2 lines 53-59: copy the backup set of data from hard drive to the storage media) .

Goshey does not explicitly teach the method of establishing protected and unprotected region. However, Glasser teaches the method of generating protected and unprotected memory region (Glasser: column 18, lines 35-42: generating both a protected memory region and an unprotected memory region). Furthermore, Glasser discloses the protected region being a region within which data cannot be accessed without proper authorization (Glasser: column 9 line 56 – column 10 line 32). It would have been obvious to one having ordinary skill in the art at the time of invention to employ the teachings of Glasser within the system of Goshey because it will allow the invention disclosed by Goshey to generate a protected and unprotected region within the hard drive and prevent unauthorized access to the protected data. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Glasser within the system of Goshey because it enables the system to protect data by setting access control to certain files and protecting data should include but not limited to protecting from unauthorized access or system failure.

Goshey discloses the protected data comprises the operating system data and any other data (Goshey: column 2 lines 50-51: selecting a backup set of data...include boot files; the boot file or boot record is a record of operating system data accessed by a computer before the operating system becomes available which is well known in the art). Alternatively, Pereira discloses partition the data files according to user's access privilege and the startup program authenticate the user and retrieves and display only the authorized computer resources for that user (Pereira: column 3 line 59 – column 5 line 63). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to generate protected and unprotected region after the user is authenticated and display only the unprotected region to the user.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Pereira within the combination of Goshey-Glasser because it prevents unauthorized intervention to system initialization and protected data.

5. As per claim 2, Goshey as modified discloses a method in claim 1. Goshey as modified further discloses wherein the step of storing protected data in the protected region of the data storage device comprises storing all data stored on the data storage, other than the copy of operating system data stored in the unprotected region of the data storage device, in the protected region of the data storage device (Pereira: column 59 – column 5 line 63: all the computer resources cannot be accessed until proper authorization, so it means all the data in the computer are set to be the protected except the boot record which is used to initialize the system). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Pereira within the combination of Goshey-Glasser because it protects data to be accessed after a reset signal.

6. As per claim 3, Goshey as modified discloses a method according to claim 1. Goshey as modified further discloses wherein the predetermined functionality comprises enablement of communication with the data storage device (Goshey: column 3 lines 15-34: the backup operating system files and boot files are required to initialize the system and prior to communication with the data storage device).

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7. As per claim 4, Goshey discloses a method in claim 3, wherein the predetermined functionality comprises enablement of user interface functionality and enablement of token support functionality (Goshey: column 3 lines 15-34: the backup operating system files and boot files are required to initialize the system and prior to communication with the data storage device, for example, before the Windows operating system is loaded).

8. As per claim 5, Goshey discloses a method in claim 4, wherein the predetermined functionality comprises enablement of specification of one or more data protection parameters (Pereira: column 5 lines 8-64).

#### ***Response to Arguments***

9. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

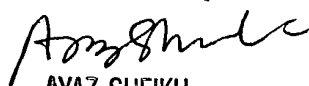
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (703) 305-8654. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Shin-Hon Chen  
Examiner  
Art Unit 2131

SC

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100